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C O N F I D E N T I A L MAPUTO 000517

SIPDIS

STATE FOR INL AHENRY-PLOTTS AND JLYLE

DOJ FOR OPDAT JSILVERWOOD AND ICITAP EBEINHART

PRETORIA FOR INL SSNYDER

E.O. 12958: DECL: 04/14/2014

TAGS: [KCOR](#) [KCRM](#) [KJUS](#) [EALD](#) [MZ](#) [PROG](#)

SUBJECT: ANTI-CORRUPTION LAW GOES BACK TO ASSEMBLY

REF: A. 03 MAPUTO 1532

[1](#)B. MAPUTO 487

[1](#)1. (U) Summary. The Anti-Corruption Law passed by the National Assembly in November 2003 (Ref A) will be re-examined in parliament on April 15. It was sent back to the Assembly by President Chissano, who refused to sign the legislation, due to questions regarding the constitutionality of one its provisions. The delay in approving the law has already had negative consequences for the Attorney General's Anti-Corruption Unit, in particular regarding additional staff resources authorized under the law (Ref B). Some observers also have speculated that the delays in implementation can be attributed to concerns regarding the mandatory reporting responsibilities for auditors. End summary.

[1](#)2. (C) The law requires a declaration of assets by public servants, provides for whistle-blower protection, and authorizes the creation of a Central Anti-Corruption Office. The pro-government daily Noticias reported that the President considered the exclusive authority of the Attorney General's Office (where such a Central Office would reside, and provide own resources for the Anti-Corruption Unit created in 2002) for cases involving corruption and influence peddling to be problematic. He reportedly would prefer the entire judiciary to have jurisdiction for cases. Additionally, mission officers have been told that the provision for automatic denial of requests for government permits after a 45-day period is also an issue. The original draft of the law foresaw automatic approval after a short period, if no negative reply was issued by a government entity. This would have avoided a common friction point for corrupt officials to demand bribes. However the law as passed includes the reverse, which could prove highly problematic and possibly unconstitutional in certain situations, for example, in registering a birth or death.

[1](#)3. (SBU) On March 26, the Attorney General described the negative consequences caused by the lack of staff and budget envisioned in the legislation. Unfortunately, even once the Assembly revises the relevant passages of the law and the President signs it into law, it could still be a considerable wait before implementing regulations are drafted and approved. Post is aware of a similar problem regarding the implementing regulations for the Anti-Money Laundering Law passed by the Assembly in December 2001, which was ratified in February 2002. In April 2004, central bank officials told Econ/Pol Chief that the draft implementing regulations are now complete and they hope to see them finalized this year.

[1](#)4. (C) Comment: In addition to officially stated reasons for the delays in approving the Anti-Corruption Law, post has heard speculation regarding complaints made to the President by the major accounting and consulting firms present in Maputo. They claim that being forced to adhere to the mandatory reporting requirements, if and when they encounter negative information during an audit, would put them out of business. End Comment

LA LIME